IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 5298 of 2007(E)

CC.366/2006 of J.M.F.C.-II, KANNUR
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PETITIONER:

P.SREEDHARAN, S/O.SANKARAN,
AGED 67 YEARS, BUSINESS,
RESIDING AT F-45,
EAST OF KAILASH, NEW DELHI - 110 065.

BY ADV. SRI.V.RAMKUMAR NAMBIAR

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. AYILLIATH YEDUNATH NAMBIAR,
S/O.PADMANABHAN NAMBIAR,
WELLESLY ROAD, BURNASSERY, KANNUR.

3. A.RAMAKRISHNAN, S/O.SANKARAN,
AGED 57 YEARS, `NANDANAM', MAIN ROAD,
MUZHAPPILANGAD, KANNUR.

4. KINATHI DINESHAN, S/O.GOPALAN,
AGED 36 YEARS, NATHOM KOTTAM HOUSE,
NELLUNNI, MATTANNUR, KANNUR.

5. PUTHIYAPURAYIL ASHRAF, S/O.MOIDEEN,
BEHIND HIGH SCHOOL, NADUVIL AMSOM DESOM,
KANNUR DISTRICT.

6. P.RAJAN,
PUTHIYAPURAYIL HOUSE, NEAR PUTHIYAKAVU,
P.O.PAPPINISSERY, KANNUR.

7. THAPPALLA SHAJI, S/O.PADMANABHAN,
AGED 31 YEARS, PUTHIYAPURAYIL HOUSE,
ATTADAPPA, EDAKKAD KANNUR.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.5298 of 2007

Dated this the 15th day of February, 2007

JUDGMENT

The short grievance of the petitioner is that the directions of the Sessions Judge in Ext.P7 order that C.C.No.366 of 2006 (earlier numbered as C.C.159 of 2005), C.C.638 of 2005 and Crl.M.P.No.500 of 2005 be heard together, is not being complied with by the learned Judicial Magistrate of the First Class - II, Kannur. While C.C.638 of 2005 is posted to 19.02.2007 and Crl.M.P.No.500 of 2005 is posted to 17.02.2007, C.C.No.366 of 2006 is posted to 02.05.2007. As the disputes involved in these 3 cases are integrally connected, the same have to be disposed of by the same court together. The purpose of that direction will be defeated, if cases are not taken together and in quick succession for consideration. This is the short grievance raised by the petitioner.

2. I find merit in the grievance raised by the petitioner. In the light of Ext.P7 direction, every endeavour must be made by the learned Magistrate to dispose of all the 3 cases simultaneously in quick succession on the same day one after the other. Of course, it need not be insisted that all the 3 cases must be posted to the same day as it may be difficult to take up all the 3 cases for trial simultaneously. But I find merit in the objection raised by the learned

counsel for the petitioner that the posting of the third case ie. C.C.366 of 2006 to 02.05.2007 is not, at any rate, justified.

3. I am satisfied that no specific directions need be issued. But I do observe that the direction in Ext.P7 must be complied with by the learned Magistrate scrupulously and to facilitate that the petitioner can certainly file an application to advance the posting of C.C.366 of 2006, on which application, the learned Magistrate must pass appropriate orders to ensure compliance with Ext.P7.

4. Hand over a copy of this judgment to the learned counsel for the petitioner today itself.

(R.BASANT, JUDGE)

rtr/-